

# The case of Dan White: from assassin to patient

Ellensburg (WA) *Daily Record*  
May 1, 1980

San Francisco (UPI) — Homosexual prejudice and the “fictions” of psychiatric witnesses saved former Supervisor Dan White — admitted killer of two city officials — from the gas chamber, a noted psychiatrist says.

The former policeman — who confessed to fatally shooting Mayor George Moscone and homosexual Supervisor Harvey Milk at City Hall Nov. 27, 1978 — was charged with two counts of special first-degree murder calling for the death sentence.

But he was convicted of involuntary manslaughter — a substantially lesser crime — because of homosexual hatred and collusion between the defense and prosecution to “depoliticize the assassinations,” says Dr. Thomas Szasz, professor of psychiatry at the State University of New York.

Szasz is the author of more than 200 articles and books challenging as unethical many of the practices of his fellow psychiatrists, including their willingness to give testimony both for and against defendants in criminal trials.

“On Mondays, Wednesdays and Fridays, the psychiatric prevaricators go to court to exonerate the guilty,” he said. “That is called ‘psychiatric defense.’ On Tuesdays, Thursdays and Saturdays, the same prevaricators go to court to incriminate the innocent: That is called ‘civil commitment.’”

The lenient White verdict spawned a night of rioting by a predominantly homosexual mob, who torched patrol cars and smashed windows at City Hall.

“White’s defense...rested on two pillars,” Szasz says in a paper he will present May 7 at the 133rd annual convention of the American Psychiatric Association.

“Psychiatry and the plea of diminished capacity was one; a subtle but persistent appeal to the jury’s anti-homosexual prejudices was another.”

Szasz notes that White has not received any psychiatric treatment since entering Soledad Prison to serve his seven-year, eight-month sentence because tests administered less than two months following the trial indicated he had no need for such care.

“The judicial and medical authorities, acting in concert, quickly declared that the crime was not political but psychiatric,” Szasz said. “Harvey Milk was killed not because he was a deviant but because Dan White was depressed.”

White, he said, “is a symbol of what happens to a guilty individual when anti-homosexual hatred, unacknowledged but powerful, is allowed to masquerade as justice.”

One indication that the defense and prosecution “colluded” was the absence of homosexuals on the jury, said Szasz. That, he said, “was like excluding black jurors from the trial of the accused assassin of Martin Luther King on the grounds that they might mistakenly believe that the killing had something to do with the fact that King was black.”

He said both sides in the trial also “colluded” in replacing the facts of the case with the fictions of the psychiatrists testifying in it.

The prosecution, in calling only one psychiatric expert to the stand, made “no serious effort to demolish” the testimony from the four psychiatrists and one psychologist hired by the defense, Szasz said.

The defense experts asserted that White was acting under “diminished capacity to premeditate.”

Yet, notes Szasz, White killed Moscone just before the mayor was to announce another appointment to a post White had sought. Carrying a well hidden gun and 10 extra bullets, he entered City Hall through a window, avoiding metal detectors at the door, shot Moscone four times, reloaded his gun and shot Milk five times.

Defense attorney Douglas Schmidt successfully portrayed White as a “straight, white, Christian policeman,” Szasz said.

“With great skill Schmidt successfully replaced the reality of Dan White...with the abstractions of White's ‘diminished capacity’ and his ‘background’ — and then instructed the jury to focus on those fictions and ignore the facts.”

Thus, the the judicial system was used to exonerate a “demonstrably guilty” man, Szasz said, and bring about “the psychiatric transformation of an assassin into a patient.”